Security Intelligence Review Committee

2012-13

Report on Plans and Priorities

The Right Honourable Stephen Harper
Prime Minister of Canada

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Chair's Message

I am pleased to submit the Security Intelligence Review Committee's Report on Plans and Priorities for 2012-13.

For more than a quarter of a century, the Security Intelligence Review Committee has been an integral component of the democratic accountability of the Canadian Security Intelligence Service (CSIS) by ensuring that it acts appropriately, effectively and lawfully in protecting Canada's national security.

In fiscal year 2012-13, the Security Intelligence Review Committee will continue to conduct in-depth reviews of the Canadian Security Intelligence Service's activities and will continue to promote discussion of security intelligence review. Planning highlights for 2012-13 include hosting an international conference, the "International Intelligence Review Agencies Conference 2012". This conference will help to ensure that the Security Intelligence Review Committee remains current with recent developments in security intelligence and that the Security Intelligence Review Committee will continue to fulfill its responsibilities, as outlined in the *Canadian Security Intelligence Service Act*.

It is with a great sense of pride and responsibility that the Security Intelligence Review Committee conducts ongoing, independent reviews of CSIS's operations and activities. I trust that this year's Report on Plans and Priorities will provide readers with further insight into Security Intelligence Review Committee's mandate to ensure that CSIS investigates and reports on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Honourable Carol Skelton, P.C.
A/Chair

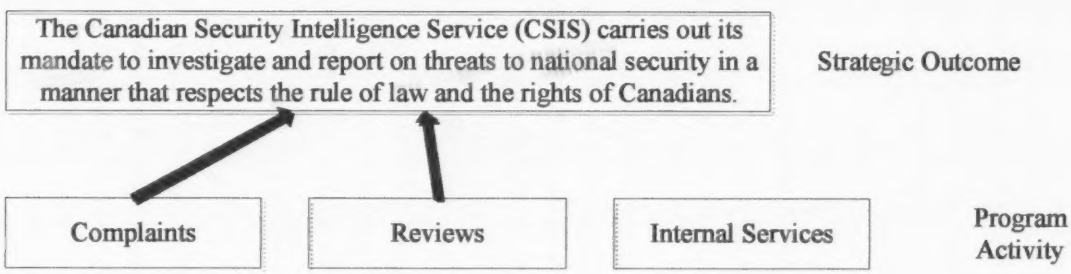
Section I: Organizational Overview

Raison d'être and Responsibilities

The Security Intelligence Review Committee (SIRC or the Committee) is a small, independent, external review body that reports to the Parliament of Canada on the operations of the Canadian Security Intelligence Service (CSIS or the Service). SIRC was established in 1984, at the same time as CSIS, and derives its powers from the *Canadian Security Intelligence Service Act* (*CSIS Act*).

Parliament has authorized CSIS to gather intelligence in the interests of protecting national security. SIRC ensures that these powers are used appropriately and in accordance with the law, in order to protect Canadians' rights and freedoms. To do this, SIRC examines past operations of the Service and investigates complaints. It has the authority to examine all information concerning CSIS activities, no matter how sensitive and highly classified that information may be. The results of this work, redacted to protect national security and personal privacy, are summarized in its Annual Report to Parliament.

Strategic Outcome and Program Activity Architecture


The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.
Strategic Outcome
Complaints
Reviews
Internal Services
Program Activity

Organizational Priorities

Priority	Type[1]	Strategic Outcome
Continual improvement for reviews.	Ongoing	The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.

Description

Why is this a priority?

Continual improvement of SIRC's review process is vital to the fulfillment of its mandate.

Plans for meeting the priority

In 2012-13, SIRC will:

- host an international conference, the "International Intelligence Review Agencies Conference 2012";
- continue to rely on thematic reviews in order to maximize its ability to assess a broader range of CSIS activities; and
- enhance its research methodology by engaging with academics and experts in the security intelligence field.

Priority	Type	Strategic Outcome
Continual improvement for complaints.	Ongoing	The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of

[1] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

		Canadians.

Description
Why is this a priority? Continual improvement of SIRC's process for investigating complaints is central to the fulfillment of its mandate. **Plans for meeting the priority** In 2012-13, SIRC will: • continue to ensure that complaints are investigated in a timely manner; and • continue to assist new members of SIRC in presiding over fair, efficient and timely hearings.

Risk Analysis

The security intelligence community has witnessed many changes over the past eleven years. The challenges arising from these changes have been most visible in the O'Connor, Iacobucci and Major Commissions of Inquiry, in the engagement of the courts in national security issues, and in a number of landmark judicial decisions.

In 2012-13, SIRC will continue to adapt its operations to the rapid pace of change in the security intelligence environment. In particular, SIRC's review function will continue to evolve in response to changes in CSIS's operations and activities.

In 2012-13, SIRC will also continue to address important developments in security intelligence. For example, in 2012, the Federal Court heard two judicial review applications concerning SIRC's jurisdiction to consider Charter of Rights and Freedoms in the course of its investigations. The rulings in these cases could have significant impacts on SIRC's investigations of complaints.

Planning Summary

Financial Resources (thousands of dollars)

2012–13	2013–14	2014–15
2,534	2,534	2,534

Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
16	16	16

Strategic Outcome: The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.	
Performance Indicators	**Targets**
Number of reviews/complaint investigations that assessed whether CSIS activities were appropriate, effective and in compliance with the *CSIS Act*, Ministerial Direction and operational policy.	No major incidents of non-compliance by CSIS.

Planning Summary Table

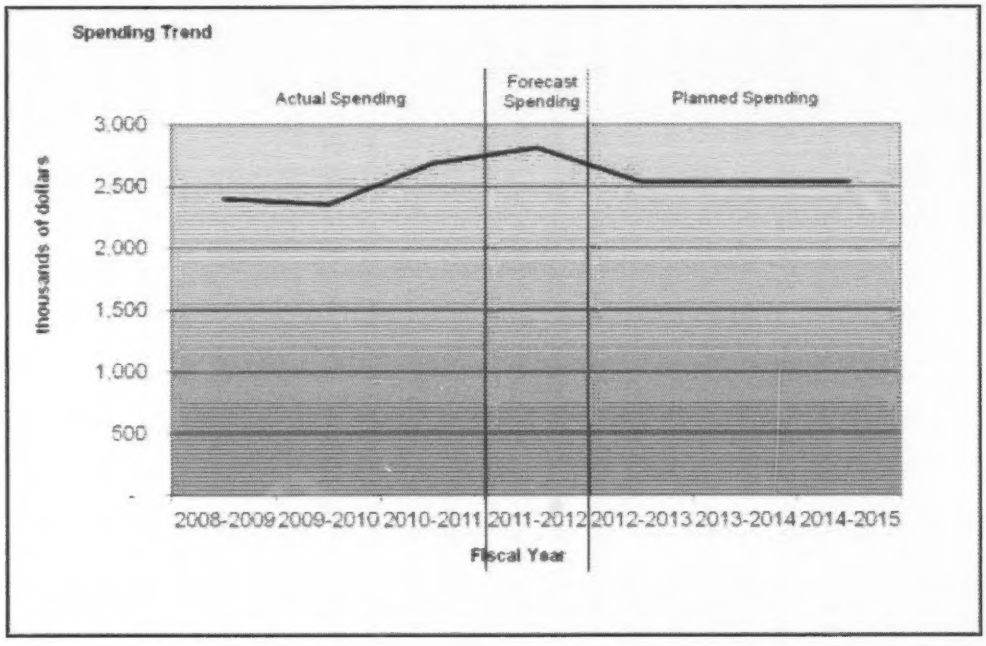
Program Activity	Forecast Spending 2011–12	Planned Spending			Alignment to Government of Canada Outcomes
		2012–13	2013–14	2014–15	
Reviews	1,281	1,136	1,136	1,136	Strong and independent democratic institutions.
Complaints	746	939	939	939	Strong and independent democratic institutions.
Total Planned Spending	2,027	2,075	2,075	2,075	

Planning Summary Table

Program Activity	Forecast Spending 2011–12	Planned Spending		
		2012–13	2013–14	2014–15
Internal Services	787	459	459	459
Total Planned Spending	787	459	459	459

Expenditure Profile

Departmental Spending Trend



In 2011-12, SIRC was involved in two judicial reviews. Additionally, SIRC initiated a review of its Rules of Procedures for Complaints in 2011-12. Both processes required the organization to retain expert outside counsel, which resulted in increased spending in 2011-12.

SIRC anticipates staffing reductions in fiscal years 2012-13, 2013-14 and 2014-15. This explains the decrease in Planned Spending for these years.

Estimates by Vote

For information on our organizational appropriations, please see the 2012–13 Main Estimates publication (http://www.tbs-sct.gc.ca/est-pre/20122013/p2-eng.asp).

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

The Security Intelligence Review Committee has one Strategic Outcome: that *The Canadian Security Intelligence Service (CSIS) carries out its mandate to investigate and report on threats to national security in a manner that respects the rule of law and the rights of Canadians.*

This outcome is important to Canadians because it helps to protect their fundamental rights and freedoms. SIRC does not promote any particular viewpoint or policy perspective, and its reviews and complaints reports provide important snapshots of CSIS's work. SIRC offers careful assessments of whether CSIS has addressed national security threats appropriately, effectively, and in a manner that respects its powers and authorities. As such, SIRC helps to promote democratic accountability in one of Canada's most powerful security organizations.

SIRC has three Program Activities: The first involves conducting in-depth reviews of CSIS activities, in order to ensure that CSIS carries out its duties and functions appropriately, effectively and in accordance with legislation, policy and Ministerial Direction; the second involves conducting investigations pursuant to S.38(c) of the *CSIS Act*; the final Program Activity involves providing the internal services required to support the functioning of the organization.

The following sections describe SIRC's program activities, including how they contribute to SIRC's performance at the strategic outcome level.

Program Activity: Reviews

Program Activity Description

Conduct reviews of CSIS activities in accordance with the annual research plan. Examine CSIS operations; provide a retrospective examination and assessment of specific CSIS investigations and functions. Examine information concerning CSIS's activities; assess CSIS compliance, and issue findings and recommendations. The objective is to provide Parliament and Canadians with a picture of CSIS's operational activities, and assurance that CSIS is acting lawfully.

Financial Resources (thousands of dollars)

2012–13	2013–14	2014–15
1,136	1,136	1,136

Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
8	8	8

Program Activity Expected Results	Performance Indicators	Targets
The improvement of CSIS's performance based on the findings and recommendations that SIRC makes in its reviews.	Number of reviews completed as per SIRC's annual Research Plan.	100% of reviews completed per SIRC's annual Research Plan.
	Percentage of SIRC's review recommendations accepted by CSIS.	70% of SIRC's review recommendations accepted by CSIS.
	Frequency of reviews of key elements of CSIS activities and operations.	100% of the statutory requirements, as per *CSIS Act*, are met.
	Production of SIRC Annual Report.	Submission of SIRC Annual Report to Parliament as per statutory requirements.

Planning Highlights

SIRC's reviews are designed to provide Parliament and the Canadian public with a broad understanding of CSIS's operational activities. In carrying out its reviews, SIRC examines how CSIS has performed its duties and functions and determines whether CSIS has acted appropriately, effectively and in accordance with the law. SIRC's reviews provide a retrospective examination and assessment of specific CSIS investigations, programs and activities.

SIRC's research program is designed to address a broad range of subjects on a timely and topical basis. In deciding which matters to review, SIRC considers: events or developments with the

potential to represent threats to the security of Canada; intelligence priorities identified by the Government of Canada; CSIS activities that could have an impact on individual rights and freedoms; issues identified in the course of SIRC's complaints functions; new directions and initiatives announced by or affecting CSIS; and the CSIS Director's annual classified report submitted to the Minister of Public Safety.

Each review results in a snapshot of the CSIS's actions in a specific case. This approach allows SIRC to manage the risk inherent in being able to review only a small number of CSIS activities in any given year.

The Committee's reviews include findings and, where appropriate, recommendations. These reviews are forwarded to the Director of CSIS, the Inspector General of CSIS, and Public Safety Canada.

SIRC's reviews assess CSIS's performance and may include findings and non-binding recommendations. These reviews are submitted to the Director of CSIS, Public Safety Canada, the Inspector General CSIS, and, in special circumstances, directly to the Minister of Public Safety. A declassified summary of each review is included in SIRC's Annual Report. The objective is to provide Parliament and Canadians with "snapshots" of past CSIS operations that, over time, provide a comprehensive picture of CSIS's performance.

SIRC's Annual Report to Parliament is the primary method for informing Canadians about its work. To the best of its ability and within the legal constraints governing national security and privacy, every review undertaken and every complaint acted upon, is summarized in SIRC's Annual Report. In accordance with Section 53 of the *CSIS Act*, SIRC submits this report to the Minister of Public Safety "not later than September 30th" of each fiscal year, for tabling in Parliament within the next 15 days in which the House is sitting.

To achieve its expected results, SIRC plans to undertake the following activities in 2012-13:

- SIRC will continue to select topics for review that reflect the increasing complexity of CSIS's operations;
- SIRC plans to complete eight reviews, while retaining the flexibility to respond to unforeseen events; and,
- The Committee and SIRC staff will visit CSIS regional offices, meet with CSIS staff and communicate the Committee's focus and concerns.

Program Activity: Complaints

Program Activity Description

Receive and inquire into complaints about CSIS brought by individuals or groups. For example, denials of security clearances, complaints referred by the Canadian Human Rights Commission, actions of CSIS in relation to a former employee. Provide an independent recourse mechanism to investigate complaints. Conduct pre-hearing conferences, preside over complaint hearings, and prepare complaint reports.

Financial Resources (thousands of dollars)

2012–13	2013–14	2014–15
939	939	939

Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
3.5	3.5	3.5

Program Activity Expected Results	Performance Indicators	Targets
Parties before SIRC receive a fair and timely resolution of their complaint.	SIRC service standards for rendering decisions in Complaints cases.	85% of published service standards are met.
	SIRC complaint decisions rendered reviewed by the Federal Court.	90% of complaint decisions upheld on judicial review (as a percentage of all complaint decisions rendered).

Planning Highlights

SIRC conducts investigations into complaints concerning CSIS made by either individuals or groups. The types of complaints that SIRC investigates are specified in the *CSIS Act*. Under Section 41 of the *CSIS Act*, SIRC investigates "any act or thing done by the Service"; under Section 42, SIRC investigates complaints about denials of security clearances to federal government employees and contractors. SIRC may also conduct an investigation in relation to

referrals from the Canadian Human Rights Commission and Minister's reports in regards to the *Citizenship Act*.

The time to investigate and resolve a complaint will vary in length depending on a number of factors, such as the complexity of the file, the volume of documents to be examined, the number of hearing days required (both in the presence and in the absence of complainants), and the availability of the participants.

The *CSIS Act* provides for SIRC hearings to be conducted "in private". All parties have the right to be represented by counsel and to make representations at the hearing, but no one is entitled, as of right, to be present during, have access to, or comment on representations made to SIRC by any other person. A party may request an *ex parte* hearing (i.e., a hearing in the absence of the complainant or possibly other parties) to present evidence which, for reasons of national security or other reasons considered valid by SIRC, cannot be disclosed to the other party or their counsel. During such hearings, SIRC's legal team will cross-examine the witnesses to ensure that the evidence is appropriately tested and reliable, in order to provide the Committee's presiding member with the most complete and accurate factual information relating to the complaint. Once the *ex parte* portion of the hearing is completed, SIRC will determine whether the substance of the evidence can be disclosed to the excluded parties. If so, SIRC will prepare a summary of the evidence and provide it to the excluded parties once it has been vetted for national security concerns.

When SIRC's investigation of a complaint made under Section 41 is concluded, SIRC provides a report to the Director of CSIS and to the Minister of Public Safety, as well as a declassified version of the report to the complainant.

On completion of an investigation in relation to a complaint under Section 42 of the *CSIS Act*, SIRC reports its findings and any recommendations to the Minister, the Director of CSIS and the Deputy Head concerned, and provides a declassified version of the report to the complainant.

Pursuant to Section 42 of the *CSIS Act*, individuals who have been denied a security clearance must be informed of this action by the Deputy Head of the organization. These individuals have the right to make a complaint to SIRC and, where appropriate, SIRC will investigate and report its findings and any recommendations to the Minister, the Director of CSIS, the Deputy Head concerned and the Complainant.

To achieve its expected results, SIRC plans to undertake the following activities in 2012-13:

- SIRC will continue to study best practices of other tribunals and adopt measures to improve its timely and efficient completion of investigations.

- SIRC will update its Rules of Procedures for Complaints and updates them as required.
- SIRC will continue to monitor its service standards for those elements of the complaints process under its control and ensure they are kept current and up to date on its website, and
- SIRC will provide ongoing legal training to assist new Committee Members in presiding over a fair hearing.

Program Activity: Internal Services

Financial Resources (thousands of dollars)

2012–13	2013–14	2014–15
459	459	459

Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
4.5	4.5	4.5

Planning Highlights

This activity captures all of the corporate costs associated with the day to day operations of the organization (e.g. informatics, asset management, accommodations, security, corporate reporting, information management, etc.).

Although the Privy Council Office provides some administrative and financial services to SIRC through a Memorandum of Understanding (MOU), the cost of that MOU is accounted for within this Activity. In addition, financial and human resource management services not provided by the Privy Council Office are funded through this activity.

As a micro-agency, SIRC relies heavily on experienced staff to ensure that the quality of its work is maintained. The recently developed HR Plan will allow the organization to address such issues as succession planning and staff retention.

A micro-agency such as SIRC cannot afford to be inefficient or miss opportunities to leverage existing technologies in its day to day work. Therefore, SIRC continues to develop its information technology infrastructure and its policy framework. SIRC will continue to assess its internal processes and introduce additional internal policies and procedures consistent with its commitment to improving efficiency and implementing modern management practices.

Section III: Supplementary Information

Financial Highlights

Future-Oriented
Condensed Statement of Operations
For the years ending March 31 2012 and 2013
(in thousands of dollars)

	$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Expenses	-66	3,091	3,157
Net Cost of Operations	**-66**	**3,091**	**3,157**

The forecasted decrease of $66 thousand in the level of expenditures for fiscal year 2012-2013 compared to fiscal year 2011-2012 is mainly due to the budget reduction being fully implemented, effective in 2012-13.

Future-Oriented
Condensed Statement of Financial Position
For the years ending March 31 2012 and 2013
(in thousands of dollars)

	$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total assets	-92	260	352
Total liabilities	-78	530	608
Equity	-14	-270	-256
Total	**-92**	**260**	**352**

The forecasted decrease of $92 thousand in the total liabilities and equity of Canada (Statement of Financial Position) for fiscal year 2012-13 compared to fiscal year 2011-12 is mainly due to the reduction of SIRC's expenses as a result of fewer assets being purchased and fewer liabilities.

Future-Oriented Financial Statements

Future-oriented financial statements can be found on SIRC's website at http://www.sirc-csars.gc.ca/opbapb/fstefi/index-eng.html.

List of Supplementary Information Tables

All electronic supplementary information tables found in the *2012–13 Reports on Plans and Priorities* can be found on the Treasury Board of Canada Secretariat website (http://www.tbs-sct.gc.ca/est-pre/index-eng.asp).

- Greening Government Operations
- Summary of Capital Spending by Program Activity

Section IV: Other Items of Interest

Organizational Contact Information

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Legislation Administered

Canadian Security Intelligence Service Act